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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3555 OF 2023**

Sudesh Dipak Patane ... Applicant

Vs.

The State of Maharashtra ... Respondents

Mr. Shailesh Chavan a/w. Mr. Shrikant Panhale and Mr.
Hrishikesh Avhad for the Applicant.

Mr. Ashok S. Gawai, APP for the Respondent-State.

Mr. Rahul Shantaram Bhoir, PHC 103 Wai Police Station

CORAM : GAURI GODSE, J.

DATE : 22nd JULY 2025

ORDER :

1. This bail application is filed by accused no. 3 for enlarging him on regular bail in connection with C.R. No. 491 of 2020 registered with Wai Police Station for the offences punishable under Section 302, 363, 364 and 201 of the Indian Penal Code and Section 4(25) of the Arms Act.

2. In brief, the case of the prosecution is that the deceased was kidnapped on the date of incident and he was assaulted by koyta by accused no.1. The present applicant was accompanying the other two accused at the place of

incident. The deceased succumbed to the injuries at the hospital on the next date of the incident i.e. on 29th December 2022. The accused nos. 1 and 2 were juvenile. The chargesheet is filed against the applicant on 25th March 2023.

3. Learned counsel for the applicant submits that the applicant is falsely implicated in the case only on the ground that he was seen along with accused nos. 1 and 2 on the date of the incident. He submits that the applicant is a student and only because he was known to the deceased and the accused he has been implicated. He further points out the statement the deceased's mother, recorded under Section 164 of the Criminal Procedure Code, 1973. He submits that the mother of the deceased has alleged motive only against accused no.1. He submits that there is no direct evidence in the case and the only, statement relied upon by the prosecution is of Ramkishor Shivprasad Chourasiya who has stated that he had seen accused nos. 1, 2 and 3 passing through his house going towards the place of incident around 3.00 pm in his CCTV footage.

4. Learned counsel for the applicant submits that there is

no material against the applicant and the only statement relied upon is a weak piece of evidence. He further submits that the clothes recovered from the place of incident is claimed as based on the recovery panchnama under Section 27 of the Indian Evidence Act, 1872, at the behest of the applicant. He, however, submits that the clothes are recovered from the place of incident in an open area. He therefore submits that there is no material against the applicant. He further submits that the applicant is a student and is incarcerated since two years eight months. He submits that the charge is not yet framed and the trial is not likely to commence in the near future. He therefore submits that the applicant be released on bail.

5. Learned APP submits that the blood stained clothes are recovered at the instance of the applicant and the DNA report is still awaited. He submits that since the clothes are recovered at the instance of the applicant and he was also seen along with other accused on the date of incident going towards the place of incident, there would be sufficient material to show that the applicant was involved in the offence.

6. I have perused the chargesheet. Except for the witness who has stated that he had seen all the three accused going towards the place of incident through his CCTV footage, there is no other substantial material against the applicant. There is no direct evidence against the applicant. The clothes recovered are from an open area. The inconclusive chemical analysis report with regard to the blood stained clothes cannot be held against the applicant, at this stage.

7. The applicant is a student and is incarcerated since 29th December 2022. Though chargesheet is filed on 26th March 2023, no charge is framed. The prosecution states that there are 34 witnesses to be examined. There is no possibility of the trial commencing and completing in the near future. Report of the chemical analysis placed on record is inconclusive. Thus, there is no sufficient material against the applicant. There is no purpose in detaining the applicant behind bars for indefinite period. There are no criminal antecedents against the applicant. He was 18 years 3 months old on the date of the incident. Hence, the applicant has made out case for releasing him on regular bail.

8. The bail application is allowed by passing the following

order :

(i) The applicant be released on bail in connection with CR No. 491/2022 registered with Wai Police Station, Satara for offences punishable under sections 302, 363, 201 r/w 34 of the Indian Penal Code and 4(25) of the Indian Arms Act on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(ii) The applicant shall attend the concerned police station as and when called.

(iii) The applicant shall regularly attend all the dates in the Trial Court unless exempted by the trial court by passing a written order.

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses, or any person concerned with the case.

(v) The applicant shall submit particulars of the place of residence and contact number in the

Trial Court, and the same shall not be changed without the leave of the Trial Court.

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

9. It is clarified that the observations made in this order are for the purpose of deciding this application and the same shall not influence the trial court at the time of trial.

[GAURI GODSE, J.]